In the High Court of Punjab and Haryana at Chandigarh.

RSA No.586 of 2004
Dated of decision:10.07.2007.

Hakam Singh ...Appellant.

Versus

State of Punjab and others ...Respondents.

CORAM: HON'BLE MR.JUSTICE PERMOD KOHLI.

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Present: Mr. Ramesh Sharma, Advocate.

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PERMOD KOHLI, J. (ORAL):

This Regular Second Appeal is directed against the judgment and decree dated 22.09.2003 passed by the learned Additional District Judge, Jalandhar, whereby the appeal preferred by the respondent-state against the judgment and decree dated 17.05.2002 has been set aside and the suit of the appellant dismissed.

The appellants herein filed a suit for permanent injunction seeking a restraint order against the defendants from interfering into their

possession over the land comprising in Khewat No.52/L-3 to 52/8RH and KM No.52/2 to 52/5 L PHR LNK Section, situated in the area of village Lasuri, Tehsil Shahkot, Distt. Jalandhar, adjoining the Railway Track. The learned Trial Court decreed the suit vide its judgment and decree dated 17.05.2002. The respondents preferred an appeal before the learned Additional District Judge, Jalandhar,who reversed the findings. The learned Lower Appellate Court has specifically held that the property in question

was declared as protected forest, vide Punjab Government Notification dated 3.5.1958 and the Forest Department has also planted trees over the land. The learned Lower Appellate Court also observed that the rent receipts sought to be relied upon by the appellants pertain to the year 1980 to 1987. Thereafter, neither any rent was paid nor there is any evidence of possession. The learned Lower Appellate Court accordingly reversed the findings recorded by the learned Trial Court showing the appellants to be in possession.

I have heard the learned counsel for the appellants at length.

It is settled law that the learned Lower Appellate Court is the final Court of findings of fact. Findings recorded by the learned Lower Appellate Court seems to be sound based upon the evidence/material on

record. The substantial questions of law formulated by the appellant in the memorandum of appeal are, in fact, not substantial questions of law, particularly in view of the findings of the learned Lower Appellate Court. There is no merit in the present appeal and the same is hereby dismissed. No costs.

(PERMOD KOHLI)
JUDGE

July 10, 2007
BLS